

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

| | | |
|--|---|--------------------|
| LILA M. NOBLES |) | |
| Claimant |) | |
| VS. |) | |
| |) | Docket No. 189,937 |
| ESSEX GROUP, INC. |) | |
| Respondent |) | |
| AND |) | |
| |) | |
| NATIONAL UNION FIRE INSURANCE COMPANY |) | |
| Insurance Carrier |) | |
| AND |) | |
| |) | |
| WORKERS COMPENSATION FUND |) | |

ORDER

Claimant requested review of the Award dated January 29, 1997, and Nunc Pro Tunc Award dated January 31, 1997, both entered by Administrative Law Judge Bruce E. Moore. The Appeals Board heard oral argument on June 17, 1997.

APPEARANCES

Andrew L. Oswald of Hutchinson, Kansas, appeared for the claimant. Jerry M. Ward of Great Bend, Kansas, appeared for the respondent and its insurance carrier. David G. Shriver of McPherson, Kansas, appeared for the Workers Compensation Fund.

RECORD AND STIPULATIONS

The record considered by the Appeals Board and the parties' stipulations are listed in the Award and Nunc Pro Tunc Award.

ISSUES

The Administrative Law Judge denied claimant's request for permanent partial general disability benefits, additional temporary total disability benefits, payment of

outstanding medical expenses, and future medical benefits. Claimant requested review of that denial. The only issue now before the Appeals Board is the nature and extent of claimant's injury and disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, the Appeals Board finds as follows:

The Appeals Board adopts the Administrative Law Judge's findings, analysis, and conclusions as set forth in the detailed, 20-page Award and Nunc Pro Tunc Award. When considering the entire record, especially the testimony from board-certified neurosurgeon Leonard Klawns, M.D., who examined and evaluated claimant in June 1994 at her attorney's request, the Appeals Board is persuaded claimant did not sustain permanent injury or impairment as a result of her September 13, 1993, accident and that the headaches which claimant presently experiences are not related in any manner to the incident in question. The Administrative Law Judge's decision should be affirmed in all respects.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award dated January 29, 1997, and Nunc Pro Tunc Award dated January 31, 1997, both entered by Administrative Law Judge Bruce E. Moore, should be, and hereby are, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of February 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Andrew L. Oswald, Hutchinson, KS
Jerry M. Ward, Great Bend, KS
David G. Shriver, McPherson, KS
Bruce E. Moore, Administrative Law Judge

LILA M. NOBLES

3

DOCKET NO. 189,937

Philip S. Harness, Director